

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HANGZHOU CHIC INTELLIGENT
TECHNOLOGY CO. and UNICORN
GLOBAL, INC.,

Plaintiffs,

V.

THE PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE A,

Defendants.

Case No. 20-cv-4806

Judge Thomas M. Durkin
Magistrate Judge Jeffrey Cole

DECLARATION OF ARTHUR TAN-CHI YUAN
IN OPPOSITION TO MOVING DEFENDANTS MOTION TO DISMISS

I, Arthur Tan-Chi Yuan, declare as follows:

1. I am an attorney at law, duly admitted to practice before the Courts of the States of Illinois. I have been admitted to practice before this Court in the instant action.

2. I am one of the attorneys representing Plaintiffs, and except otherwise stated to the contrary, I have personal knowledge of the following facts and if called as a witness, could and would testify as follows:

3. On or about January 5, 2021, Plaintiffs purchased one infringing hoverboard from Tomoloo.com.

4. In the order receipt, the merchant, identified by Chinese characters only along with an email address service@tomoloo.com (“Tomoloo email address”), and a phone number based in China due to the country code: +86 755 x29586605, fails to provide a ship-from address.

5. On or about January 6, 2021, Plaintiffs received a confirmation email titled “Thank you for your purchase” from the sender “Tomoloo Official service@tomoloo.com.” No address is identified in the confirmation email that is associated with the sender “Tomoloo Official.”

6. On or about January 7, 2021, Plaintiffs received an email titled “Details about your shipment.” In addition to the shipping information provided, the seller is again identified by Chinese only. In addition, the email address associated with the seller has now changed to tomoloo2018@gmail.com. Again, no physical address is provided associated with the seller.

7. On or about February 24, 2021, Plaintiffs reviewed the Exchanges and Return policy posted on Tomoloo.com’s website at <https://www.tomolooscooter.com/products/tomoloo-q2c-q3c-hoverboard?variant=29421522714733>. Again, no physical return address is provided on that web page.

8. On or about February 24, 2021, Plaintiffs emailed the Tomoloo email address requesting a Return Merchandise Authorization (RMA) to initiate a return. In response, a representative, “Roxie” of “Tomoloo,” sent from the Tomoloo email address requested reasons for the return.

9. On or about February 26, 2021, Plaintiffs responded to “Roxie” by indicating a desire to change the color of the hoverboard. Another representative, “Vivian,” wrote back to explain the return policy and after indicating that the returned item needed to be unused, “Vivian” provided a warehouse address in 100 John Hay Avenue, Kearny, NJ 07302 to receive the return.

10. A Google maps search of 100 John Hay Avenue, Kearney, NJ indicates that no such address exists. Upon entering the address, Google directed me to a Campy’s Express at 60 John Hay Avenue. An analysis of the John Hay Avenue revealed that 100 John Hay Avenue does not

exists, as it is a small dead-end street with no thru way with addresses ranging from 2 to 60 John Hay Avenue.

11. Similarly, on or about January 4, 2021, Plaintiffs purchased one infringing hoverboard from gyroorboard.com.

12. In the order receipt, the merchant, identified by Chinese characters only along with an email address info@gyroorboard.com (“seller email address”). No ship-from address is provided.

13. On or about January 4, 2021, Plaintiffs received a confirmation email titled “Thank you for your purchase” from the sender “GYROOR.” No address is identified in the confirmation email. Another email address of service@gyroor.com (“Gyroor email address”) is provided for inquiries.

14. On or about January 27, 2021, a shipping confirmation email titled “A shipment from order . . . is on the way” again promptly identified the sender as “GYROOR” with the Gyroor email address as the sender address.

15. On or about February 24, 2021, Plaintiffs could not identify any physical address for returns. As a result, Plaintiffs emailed the Gyroor email address, along with other email addresses identified on the gyroorboard.com, to initiate a return.

16. On or about February 26, 2021, after receiving an initial response from vicky@gyroor.com asking for the reasons for the return, Plaintiffs provided the reasons to vicky@gyroor.com and requested a return.

17. Since then, Plaintiffs have not received any response.

I declare under penalty of perjury under the laws of the United States of America that the foregoing are true and correct.

Date: March 3, 2021
Hong Kong, S.A.R.

/s/ Arthur Tan-Chi Yuan
Arthur T. Yuan

Attorney for Plaintiffs